

**May 1, 2020**

**2019-2020 Legislative Session**

*Legislative News* is a publication prepared and distributed by the South Carolina Department of Mental Health (DMH) Office of Public Affairs to keep you informed of bills introduced in the General Assembly that may affect the DMH, mental health, health care issues, or employee issues. In addition, we will provide budget information and general news from the General Assembly. You can also access the complete bill text online by clicking the link at the end of each description, OR visiting <http://www.scstatehouse.gov>.

This publication is also available on the DMH Internet and Intranet sites. However, if you do not have access to the site and wish to receive a copy of the update, call us, and we will send you one in the mail. If at any time you have questions or need more information about bills or other legislative issues, contact the Office of Public Affairs at (803) 898-8582 or [tracy.lapointe@scdmh.org](mailto:tracy.lapointe@scdmh.org).

## **Legislative Session Update**

Both chambers of the South Carolina State Legislature met on April 8th, to pass two items. The first was a continuing resolution to keep the State's current spending levels in place if the General Assembly does not pass a new budget before the end of the legislative session. Without a resolution to continue spending or a new budget, state government will shut down on July 1. The second was a sine die resolution, which would adjourn the current legislative session until some future time and identify the items lawmakers can discuss during adjournment. Without the sine die resolution, the current legislative session would end on May 14th.

On April 8th, the House passed a resolution unanimously and went home. The Senate, however, remained in session for several hours of debate. The controversy between the bodies involved Santee Cooper. Lawmakers could not agree on the types of limits to place on Santee Cooper's operations until the General Assembly has more time to decide the issue of the utility's ownership. Eventually, the Senate made amendments to the House's resolution. Because of the Senate's changes, the House now must return before May 14th to review the amendments and vote again on the resolution. Without action, the session will end and the government cannot spend money after June 30th.

On April 16th, Governor McMaster wrote to legislative leadership offering another option. The Governor offered to call the General Assembly into session at a mutually agreed upon date prior to June 30th. This option allows lawmakers to avoid a return before the May 14th end of session. Because health officials predict a peak in the pandemic in the State around the beginning of May, a return in June would be a safer course for staff and lawmakers. Until the Legislature makes a scheduling decision and adopts a final resolution, no further information is available regarding future budgets or bills.

## **Board of Economic Advisors Estimate**

The SC Board of Economic Advisors (BEA) met April 9. The BEA reduced its FY 2019-20 estimate by \$507 million to \$9,391.2 million, which translates to a revenue decline of 0.1 percent from the prior fiscal year.

In essence, the impact of COVID-19 in the last quarter of the fiscal year is expected to eliminate almost all of the revenue surplus previously anticipated for the fiscal year.

Fortunately, the state budget for the current fiscal year was adopted before last year's revenue surplus was known and the revised estimate of \$9,391.2 is still above the state's budget by approximately \$40 million.

At this time, revenues are not expected to decline to a level that would require cuts to the base budget.

## Budget Update

SCDMH presented its FY 2021 Budget Request to the Governor's Office/Executive Budget Office 10/29/2019, to the Senate Finance Subcommittee 12/11/2019, and to the House Ways & Means Subcommittee 1/22/2020. *\*On January 29, the Joint Bond Review Committee supported the Agency increasing its budget request in order to move forward with construction of a new VA home in Horry County, bringing the total requested amount to \$46,788,352.*

The table below shows SCDMH's FY21 original budget request side-by-side with recommendations from the Governor's Office, the Agency's amended request, and the SC House of Representatives.

SCDMH FY21 Budget Request	DMH Req.	Governor's Rec.	SCDMH Amended Req.*	House Rec.
<b>RECURRING</b>				
Sustainability of Workforce	\$7,982,500	\$3,500,000	\$7,982,500	\$7,982,500
Sustainability of Services	\$8,768,173	-	\$8,768,173	\$8,768,173
Out of Home Placement funds for High Risk Adolescents	\$750,000	\$750,000	\$750,000	\$750,000
Contractual Adjustment - Inpatient Services	\$2,587,946	-	\$2,587,946	\$2,587,946
Sexually Violent Predator Program	\$625,897	\$625,897	\$625,897	\$625,897
Appointed Counsel in Civil Commitment Proceedings	\$400,000	-	\$400,000	-
Long-Term Care Division	\$250,000	\$250,000	\$250,000	-
Emergency Department Telepsychiatry	\$400,000	\$400,000	\$400,000	\$400,000
Crisis Stabilization Units	\$1,000,000	\$750,000	\$1,000,000	-
Community Supportive Housing	\$500,000	-	\$500,000	-
School Mental Health	\$600,000	\$1,100,000	\$600,000	\$600,000
Young Adult Intervention Services	\$600,000	\$300,000	\$600,000	-
Clinicians in Law Enforcement	\$325,000	\$325,000	\$325,000	\$325,000
MIRCI Pass Through Funding	\$250,000	-	\$250,000	\$250,000
Transfer Alzheimer's funding to Dept. on Aging	-	- \$778,706	-	-
Inpatient Services	-	-	-	\$5,000,000
<b>TOTAL RECURRING</b>	<b>\$25,039,516</b>	<b>\$7,222,191</b>	<b>\$25,039,516</b>	<b>\$27,289,516</b>
<b>NON-RECURRING</b>				
Mental Health Pilot - Pickens County Sheriff's Office				\$100,000
Outpatient Electronic Health Record	\$4,500,000	-	\$4,500,000	-
VA Nursing Home Furnishings	\$2,500,000	\$2,500,000	\$2,500,000	-
<b>TOTAL NON-RECURRING</b>	<b>\$7,000,000</b>	<b>\$2,500,000</b>	<b>\$7,000,000</b>	<b>\$100,000</b>
<b>CAPITAL</b>				
Deferred Maintenance & Revitalization: veterans nursing homes, hospitals, & facilities agency-wide	-	\$4,000,000	-	-
Suicide Prevention - Ligature resistant fixtures	\$8,605,645	\$2,000,000	\$8,605,645	-
NE campus electrical distribution system renovations	\$3,600,000	-	\$3,600,000	-
Veterans Victory House chiller replacement	\$815,000	-	\$815,000	-
Richard M. Campbell renovations	\$3,940,000	-	\$3,940,000	-
Catawba Mental Health Center construction	\$12,430,000	-	\$12,430,000	-
Anderson-Oconee-Pickens MHC construction	\$12,430,000	-	\$12,430,000	-
Community buildings deferred maintenance	\$3,500,000	-	\$3,500,000	-
Columbia Area MHC phase III construction	\$8,050,000	-	\$8,050,000	-
Roddey Pavilion renovations	\$1,000,000	-	\$1,000,000	-
Crafts Farrow Campus & Tucker Center laundries	\$3,300,000	-	\$3,300,000	-
Certification of State Match (2 add'l VA nursing homes)	\$37,888,352	\$37,888,352	\$46,788,352	\$46,788,352
<b>TOTAL CAPITAL</b>	<b>\$95,558,997</b>	<b>\$43,888,352</b>	<b>\$104,458,997</b>	<b>\$46,788,352</b>
<b>GRAND TOTAL REQUEST</b>	<b>\$127,598,513</b>	<b>\$53,610,543</b>	<b>\$136,498,513</b>	<b>\$74,177,868</b>

## Senate Bills – click on the bill number for full text.

- S 8 Behavioral and Public Health – Peeler**  
This bill would rename the Department of Health and Environmental Control the "Department of Behavioral and Public Health", make it a Cabinet agency, and create within it a Division of Public Health (and transfer environmental-related responsibilities to the Department of Agriculture). The bill would abolish the SCDMH and SC Mental Health Commission, as well as the Department of Alcohol and Other Drug Abuse Services, and transfer the responsibilities of both to the Division of Public Health.  
*Introduced, read first time, and referred to Medical Affairs Committee, 1/08/19.*
- S 197 Department of Aging and Vulnerable Adult Services – Shealy, Climer**  
This bill would require the Department of Aging, the Department of Social Services' Adult Protective Services program, the Governor's Division on Aging, or the Lieutenant Governor's Office on Aging to establish a Department of Aging and Vulnerable Adult Services.  
*Introduced, read first time, and referred to Family and Veterans' Services Committee, 1/08/19.*
- S 303 Mental Health Transport (similar [H 3592](#)) – Kimpson, Shealy, Fanning, Davis**  
This bill relates to the custody and transport of individuals believed to have mental illness and requiring immediate care; it would require that state or local law enforcement officers who transport these patients be part of a "therapeutic transport unit" and have undergone mental health and Crisis Intervention Training. The bill further requires that the physician responsible for the individual's care notify a friend or relative of the patient that they may transport the patient to the indicated mental health facility, and that the friend/relative freely chooses to assume responsibility and liability for the transport.  
*S 303 received a favorable recommendation with an amendment in the Medical, Military, Public and Municipal Affairs House Subcommittee. The full "3-M" Committee voted to adjourn debate on the bill 4/30/19, given the number of amendments and the complexity of the issues raised by various speakers at the subcommittee hearing. It appears that S 303 may have stalled in the House; the Bill did not move further during the 2019 legislative session. The bill was last amended April 9, 2019.*
- S 797 Sexually Violent Predators Act – Shealy**  
This bill would revise Sexually Violent Predator Act of 1999 provisions related to multidisciplinary teams procedures and membership; assessment of probable cause to believe a person satisfies the definition of a sexually violent predator; petitions for release, hearings, and trials to consider release; and providing for evaluations by DMH-designated evaluators and others, within a certain time period and under certain conditions, among others.  
*Introduced, read first time, and referred to Judiciary Committee 4/30/19.*
- S 896 EMT Certificate and Educational Standards – Shealy**  
This bill would make changes to the Law Enforcement Training Council and Criminal Justice Academy, requiring the Council develop minimum standards and regulations for a mandatory mental health training program for law enforcement certification, including continuing education credits in mental health or addictive disorders. It would also require the Department of Health and Environmental Control develop minimum standards and regulations for a mandatory mental health training program for emergency medical technician certification.  
*Introduced, read first time, and referred to Judiciary Committee, 1/14/2020.*
- S 990 Certificate of Need – Climer, Hembree, Grooms, Loftis, Campbell, Turner, Peeler, Davis, Bennett, Senn, Campsen, Rice, Corbin**  
This bill relates to the regulation of health care facilities in the state; it would eliminate references to certificate of need requirements and make multiple changes to the Certificate of Need Program, including renaming it the "State Health Facility Licensure Act". \*Note: there are multiple Certificate of Need Related bills this session; click the number to read full text: [S 1077](#), [S 1093](#), [H 5241](#).  
*Introduced, read first time, and referred to Medical Affairs Committee 1/14/2020.*
- S 1018 SC Juvenile Justice Reform Act – Malloy, Hutto, Gregory, Shealy and Talley**  
This bill would create the "SC Juvenile Justice Reform Act of 2020", which would establish and revise policies regarding care and guidance of children in the DJJ system, emphasizing diversion, early and least restrictive intervention. The bill includes a section that clarifies existing law, which prohibits commitment to DJJ of juveniles who are so severely handicapped by mental illness or a developmental disability that they cannot be properly cared for in DJJ facilities. The bill permits the court to order an evaluation and hold a hearing regarding whether the child must be committed to the supervision of the Department of Mental Health or the Department of Disabilities and Special Needs under existing commitment procedures.  
*Introduced, read first time, and referred to Judiciary Committee 1/16/2020; referred to subcommittee 1/17/2020.*

**S 1110 Mental Health Month – Alexander**

This is a concurrent resolution recognizing the month of May 2020 as "Mental Health Month" in South Carolina and to raising awareness and understanding about mental illness and the need for appropriate and accessible services for all individuals with mental illness.

*Introduced, read first time, and referred to Medical Affairs Committee 2/13/2020.*

**House Bills – click on the bill number for full text.**

**H 3273 Vulnerable Adult Maltreatment Registry Act – G.R. Smith, Bernstein, Clary, V.S. Moss, Cobb-Hunter, Burns, Huggins, Long**

This bill would create a “Vulnerable Adult Maltreatment Registry”, requiring the South Carolina Law Enforcement Division and the South Carolina Department Of Social Services to determine whether reports of vulnerable adult abuse, neglect, or exploitation are indicated, whether there is a known perpetrator of the maltreatment. It would place certain persons determined to have abused, neglected, or exploited a vulnerable adult on the Registry, and limit access to the Registry and prohibit release of reports, with exceptions.

*Introduced, read first time, and referred to Judiciary Committee, 1/08/19.*

**H 3257 Comprehensive Health Education**

This bill would require the State Board of Education to develop instructional units and coursework concerning mental health and wellness, including one, elective unit of study in mental health to seventh and ninth grade students.

*Passed by House and sent to Senate 1/22/2020. Introduced, read first time, and referred to Senate Education Committee 1/23/2020.*

**H 4249 Working Retirees (similar H 3260) – Daning**

This bill would eliminate the earnings limitation for State government retirees returning to positions covered under the SC Retirement System and Police Officer Retirement System.

*Introduced, read first time, and referred to Ways & Means Committee, 3/19/19.*

**H 4662 Behavioral Health Services for Public School Students – Clemmons and Clyburn**

This bill provides that school boards may not prohibit behavioral health providers from providing behavioral health services to students at public schools during school hours upon parental request, and require school boards to adopt certain related policies.

*Introduced, read first time, and referred to Education and Public Works Committee 1/14/2020.*

**H 4938 Electronic Prescriptions – Ridgeway**

This bill would make technical changes to new electronic prescription requirements, including an exemption to electronic prescribing requirements for SCDMH prescribers.

*Amended bill read third time, sent to Senate, read in Senate first time and referred to Medical Affairs Committee 3/04/2020.*

**H 5123 Mental Health Restoration – West, Ridgeway, Taylor, Wooten and Clary**

This bill would increase the length of time SCDMH has to restore an individual found unfit to stand trial.

*Introduced, read first time, and referred to Judiciary Committee, 2/11/2020.*

**H 5260 Optional Shared-Risk Defined Benefit Plan – Bradley, Lucas, Daning, Davis, Long, Stringer, Erickson, Bannister, Haddon, Elliott, Taylor, Herbkersman, B. Cox and Morgan**

This bill would create The Optional Shared-Risk Defined Benefit Plan, to provide retirement benefits that provide a maximum 6% rate of return. Among other things, it would set certain restrictions to plan enrollment; allow an employer to withdraw from the South Carolina Retirement System in certain situations, make changes to the amount that may be earned by an employee returning to work, and rename the state Optional Retirement Program the program the "Defined Contribution Primary Retirement Plan" (DCPRP).

*Introduced, read first time, and referred to Ways & Means Committee, 2/19/2020.*

## Legislative Oversight Update

In 2014, the Legislature passed a law providing for the House and the Senate to each, separately, perform a periodic review of all State agencies. The Senate selected SCDMH for review in 2015, issuing its final report in March of 2016. In 2018, the House of Representatives selected SCDMH for study.

The purpose of these reviews is to inform the Legislature in detail about an agency's programs and operations and to ensure the Agency is operating as the State intended. Stewart Cooner, director of Special Programs and Telepsychiatry, served as SCDMH liaison to the House staff conducting the Study, and employees throughout the Agency provided information sought by the legislative staff.

SCDMH has provided extensive written background information to the House Legislative Oversight Committee (HLOC), as requested. The Subcommittee held 15 meetings, during which it took testimony and other information related to SCDMH. Ultimately, the Subcommittee made 27 recommendations, a number of which will require quarterly reports back to the Committee, with the initial report due May 25, 2020.

The full House Legislative Oversight Committee accepted the Healthcare and Regulatory Subcommittee's study and recommendations for SCDMH February 26, 2020; as such, there will be no more hearings in front of HLOC. All information submitted to the HLOC and the final report are available for viewing at this URL:

[www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyPHPFiles/MentalHealth.php](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyPHPFiles/MentalHealth.php).

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